

WST88AUSA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 09/913,911 Confirmation No.: 7166  
Applicant : Santoli, et al.  
Filed : August 21, 2001  
Art Unit: : 1644  
Examiner : Marianne DiBrino, Ph.D.  
Customer No. : 00270  
Title : METHOD OF MODIFYING CYTOTOXIC  
CELLS AND USES THEREOF

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF BIOLOGICAL CULTURE DEPOSIT**  
**AND CERTIFICATE UNDER 37 CFR § 3.73(b)**

Sir:

I, Russel E. Kaufman, M.D., Director and CEO of The Wistar Institute of Anatomy and Biology, hereby declare:

1. That the following culture referred to in the specification of this application has been deposited on June 15, 1993, which is before the filing date of the above-identified patent application:

Hybridoma, TALL-104  
Strain

CRL 11386  
Accession Number

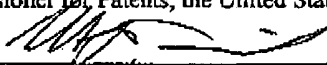
## CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

I certify that this paper is being facsimile transmitted on the date shown below to the Commissioner for Patents, the United States Patent and Trademark Office.

Signed

Printed Name

Dated:

  
Robert J. Dumina  
4/20/04

2. That the name and address of the depository is:

American Type Culture Collection  
10801 University Boulevard  
Manassas, VA 20110-2209  
(703) 365-2700

3. That a statement that the cultures deposited with the above named depository were viable and were capable of reproduction on the dates of deposit is attached. Such statement is executed by the depository.

4. That, with respect to the permanence of the cultures deposit:

(a) the depository is an official depository and this deposit has been made under the terms of the Budapest Treaty for the above deposited cultures.

(b) the depository affords permanence of the deposits for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.

(c) evidence that permanent availability of the cell line is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited cultures.

I affirm that should the cell line mutate, become nonviable or be inadvertently destroyed, applicants will replace such cultures for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

5. That, with respect to availability of the cultures, I affirm that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted and (b) that access to the cultures will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 CFR § 1.14 and 35 USC § 122. I affirm that all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent.

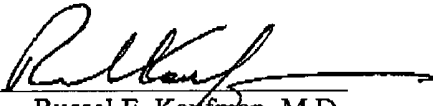
6. Evidence of the accessibility of the cultures as set forth above is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited cultures.

7. That I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8. As required under 37 CFR § 3.73(b), I declare that the evidentiary document relating to the ownership of the above-identified application No. 09/913,911 and the invention claimed therein has been reviewed, and consists of the assignment of the above-identified U.S. Patent Application No. 09/913,911. The assignment for application No. 09/913,911 was executed on November 27, 2001 by Alessandra Cesano, and December 12, 2001 by Daniela Santoli and Giovanni Rovera and forwarded to the United States Patent and Trademark Office for recordation on January 22, 2002. The Recordation Date was February 11, 2002 and the document is located at Reel/Frame: 012600/0633. I certify that, to the best of my knowledge and belief, title to U.S. Patent Application No. 09/913,911 is solely in the assignee, The Wistar Institute of Anatomy and Biology.

THE WISTAR INSTITUTE OF  
ANATOMY AND BIOLOGY

Date: 3/1/04

By:   
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